

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,
Plaintiff,

v.

Criminal No. 2:11cr20

JAMES ROBERT SHAVER,
Defendant.

ORDER/OPINION

This matter is before the undersigned United States Magistrate Judge pursuant to a Petition for Warrant or Summons for Offender Under Supervision filed in this case on March 1, 2013, alleging:

- 1) Violation of Mandatory Condition: The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as directed by the Probation Officer.
- 2) Violation of Special Condition: The defendant shall participate in a program of testing, counseling, and treatment for drug abuse, as directed by the probation officer, until such time as the defendant is released from the program by the probation officer.

Defendant appeared pursuant to a summons for an Initial Appearance on March 12, 2013. The Court advised him at that time of his rights, including his right to a Preliminary Hearing.

On March 15, 2013, Defendant, through counsel, filed a written Waiver of Preliminary Hearing. The waiver was signed by both Defendant and his counsel, Katy J. Cimino. Upon consideration of all which, the Court finds there is probable cause to believe that the defendant violated conditions of his supervised release as alleged in the Petition for Warrant or Summons for Offender Under Supervision filed March 1, 2013.

It is therefore **ORDERED** that the defendant be bound over for a full hearing before Chief United States District Judge John Preston Bailey on the violations alleged in the Petition for Warrant or Summons for Offender Under Supervision filed March 1, 2013.

Defendant is continued on release pursuant to his current conditions of supervised release pending further proceedings in this matter.

The preliminary hearing previously scheduled for March 18, 2013, at 9:00 a.m. is **CANCELED**.

It is so **ORDERED**.

The Clerk of the Court is directed to send a copy of this order to counsel of record.

DATED: March 15, 2013

s/ John S. Kaull

JOHN S. KAULL

UNITED STATES MAGISTRATE JUDGE